



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Ms. Cheryl Newton, Director
Air and Radiation Division
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3950

April 23, 2010

Re: Supplemental Information for the Clean Air
Act Section 110(l) Demonstration and State
Implementation Plan Revisions for Clark and
Floyd Counties, Indiana

Dear Ms. Newton:

As requested, the Indiana Department of Environmental Management (IDEM) has prepared this letter to reaffirm and clarify the supplemental information provided to the United States Environmental Protection Agency (U.S. EPA) on August 18, 2008, and November 25, 2008, regarding Indiana's legal authority to reinstate a vehicle inspection and maintenance (I/M) program in Clark and Floyd counties, Indiana, as a contingency measure, if deemed necessary. IDEM conducted a legal review on August 18, 2008, at U.S. EPA's request in order to further explain how the applicable statutory procedure works in conjunction with the Clean Air Act Section 110(l) Demonstration and State Implementation Plan (SIP) Revision, demonstrating that I/M would be a viable contingency measure for the applicable attainment and maintenance SIPs. Based on this legal review, Indiana statute, IC 13-17-5, does in fact provide the State of Indiana the statutory authority to implement a vehicle I/M program whenever necessary as a contingency measure in conjunction with the federal sanctions process.

If I/M is found to be an appropriate and effective control measure, IDEM would notify the Indiana State Budget Agency of the need to consider and approve implementation of I/M in Clark and Floyd counties to avoid losing federal highway funding. This would include providing the sanction clock timeline from 40 CFR 52.31, the IDEM rulemaking, the contractual process timeline, and the commitment made in the submittal to the Indiana State Budget Agency. IDEM reserves the right to select and implement additional control measures in lieu of I/M if they are deemed to be more cost-effective, provide equivalent emissions reductions, and sufficiently address the air quality problem.

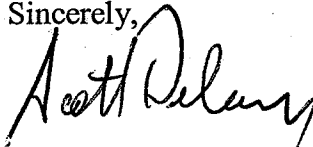
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In order to satisfy the requirements of 40 CFR 51.372(c)(4), IDEM has developed a theoretical I/M implementation schedule (attached) that outlines a schedule for adoption of a rule and implementation of the program along with specific milestones in the event an I/M program is selected as a contingency measure to address a future air quality violation(s) in Clark and/or Floyd counties, Indiana. If I/M were determined to be a necessary contingency measure, IDEM would implement I/M about one year later than other typical contingency measures. This additional time would be needed in order to provide sufficient time to inform the public and to take the necessary steps to establish the infrastructure to implement and operate an I/M program.

IDEM believes that this supplemental information in conjunction with the Clean Air Act 110(l) Demonstration satisfies the requirements of 40 CFR 51.372(c)(1) through (c)(4) as it provides the necessary weight of evidence to demonstrate that I/M is a viable contingency measure for the applicable attainment and maintenance SIPs. IDEM also believes that its non-interference demonstration submitted to U.S. EPA with a request for parallel processing on October 10, 2006, and a final submission on November 15, 2006, to support the discontinuation of the I/M program in Clark and Floyd counties, Indiana, remains valid as this action will not interfere with the area's ability to comply with all the National Ambient Air Quality Standards, including 8-hour ozone and PM_{2.5}, or any other applicable requirements of the Clean Air Act.

Therefore, IDEM respectfully requests that U.S. EPA proceed with final review and approval of the Clean Air Act Section 110(l) Demonstration for Clark and Floyd counties. If you have any questions or need additional information, please contact me at (317) 233-5694 or sdeloney@idem.in.gov or Ann Long, Attorney, Office of Legal Counsel, at (317) 232-8551 or along@idem.in.gov.

Sincerely,



Scott Deloney, Chief
Air Programs Branch
Office of Air Quality
Indiana Department of Environmental Management

sad/cp/ghf
Attachments

cc: John Summerhays, U.S. EPA
Frank Acevedo, U.S. EPA
Louise Gross, U.S. EPA
John Mooney, U.S. EPA
Ed Doty, U.S. EPA
Ann Long, IDEM
Chris Pedersen, IDEM
Gale Ferris, IDEM

I/M Implementation Schedule

This schedule addresses the theoretical implementation of a vehicle inspection and maintenance (I/M) program in Clark and Floyd counties, Indiana, if a future ambient air quality violation(s) triggers contingency measures and I/M is determined to be a necessary, appropriate, and effective control measure to assure future attainment of all National Ambient Air Quality Standards. The Indiana Department of Environmental Management would then notify the Indiana State Budget Agency of the need to consider and approve the implementation of an I/M program in Clark and Floyd counties whenever necessary as a contingency measure in conjunction with the federal sanctions process.

	Cumulative Months
1. Determination that an I/M program is an appropriate/effective control measure	0
2. Approval to proceed requested/received from the Indiana State Budget Agency	3
3. Initiate rulemaking (first notice of comment period)	4
4. Request for proposal/contract pre-informational session	4
5. Request for proposal approved and released for bid	5
6. Bidder's conference	6
7. Deadline for questions	6
8. Bidder proposal deadline	7
9. Rulemaking (second notice of comment period)	8
10. Bidder selected/notified	9
11. Performance bond provided by vendor	10
12. Draft contract complete	11
13. Contract signed by vendor	12
14. Preliminary adoption	14
15. Contract approved/executed	15
16. Architectural plans approved	16

17. Monthly status meetings/reports begin	17
18. Final adoption	18
19. Acceptance test procedures approved	18
20. State approves design plans	18
21. Public relations activities begin	20
22. Program operations center open (if necessary)	21
23. Public information monthly reports begin	22
24. Begin deliveries to installation crews	23
25. Effective date of rule	24
26. System development complete	24
27. State review/approval of materials	24
28. Operations ready	27
29. Acceptance test procedures completed	28
30. Monitor and evaluate program	28
31. Final project report	28
32. Start of testing program	28